TABLE OF CONTENTS

SH 2387545

E **Compact disc containing Homicide Bureau interviews, 911 recordings, and recorded radio traffic.**

MISCELLANEOUS DOCUMENTS

Administrative Rights Force/Shooting Investigation forms

781551N25A - SH - AD - 32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

OFFICE CORRESPONDENCE

DATE: July 5, 2017
FILE NO. IV2430046

FROM: KERRY A. CARTER, CAPTAIN
CENTURY SHERIFF'S STATION

TO: DRU E. STRONG, SERGEANT
CENTURY SHERIFF'S STATION

SUBJECT: **WRITTEN REPRIMAND**

On or about September 28, 2015, while on duty and assigned to Compton Sheriff's Station, you failed to perform to the standards established for your rank as a Deputy Sheriff, and/or to direct and coordinate your efforts in a manner which would have established and maintained the highest standard of efficiency, when you failed to advise Compton station desk personnel and/or the Sheriff's Communication Center of your location upon arrival and/or prior to entering the rear of [redacted] S. Atlantic Drive, in response to a call of a man with a gun, which subsequently resulted in your use of lethal use of force.

In violation of the following Department policy and Procedures:

3-01/050.10; Performance to Standards
3-01/030.10; Obedience to Laws, Regulations and Orders, as it pertains to
3-10/050.15; Performance to Standards – Performance Associated with the Use of Force

You are hereby reprimanded for your conduct in this incident and advised that any future violations of a similar nature may result in more severe discipline.

Dru E. Strong, Sergeant
Century Sheriff's Station

7-7-17
Date

Kerry A. Carter, Captain
Century Sheriff's Station

7.7.17
Date

761551N25A - SH - AD - 32A (2/72)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
"A Tradition of Service Since 1850"

OFFICE CORRESPONDENCE

DATE: July 5, 2017
FILE NO. IV2430046

FROM: MICHAEL E. THATCHER, CAPTAIN
COMPTON SHERIFF'S STATION

TO: STEVEN J. GOODWIN, DEPUTY
COMPTON SHERIFF'S STATION

SUBJECT: **WRITTEN REPRIMAND**

On or about September 28, 2015, while on duty and assigned to Compton Sheriff's Station, you failed to perform to the standards established for your rank as a Deputy Sheriff, and/or to direct and coordinate your efforts in a manner which would have established and maintained the highest standard of efficiency, when you failed to advise Compton station desk personnel and/or the Sheriff's Communication Center of your location upon arrival and/or prior to entering the rear of [redacted] S. Atlantic Drive, in response to a call of a man with a gun, which subsequently resulted in your use of lethal use of force.

In violation of the following Department policy and Procedures:

3-01/050.10; Performance to Standards
3-01/030.10; Obedience to Laws, Regulations and Orders, as it pertains to
3-10/050.15; Performance to Standards – Performance Associated with the Use of Force

You are hereby reprimanded for your conduct in this incident and advised that any future violations of a similar nature may result in more severe discipline.

Steven J. Goodwin, Deputy Sheriff
Compton Sheriff's Station

07-07-17
Date

Michael E. Thatcher, Captain
Compton Sheriff's Station

07-07-17
Date



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

July 14, 2016

Captain Steven Katz
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Aurelio Cantor
J.S.I.D. File #15-0522
L.A.S.D. File #015-11699-2847-057

Dear Captain Katz:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 28, 2015, non-fatal shooting of Aurelio Cantor by Los Angeles County Sheriff's Department Deputies Steven Goodwin and Dru Strong. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

By

JAMES GARRISON
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Steven Goodwin, #[redacted]
Deputy Dru Strong, #[redacted]

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MEMORANDUM

TO: CAPTAIN STEVEN KATZ
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Aurelio Cantor
J.S.I.D. File #15-0522
L.A.S.D. File #015-11699-2847-057

DATE: July 14, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 28, 2015, non-fatal shooting of Aurelio Cantor by Los Angeles County Sheriff's Department (LASD) Deputies Steven Goodwin and Dru Strong. It is our conclusion that Deputies Goodwin and Strong acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on September 28, 2015, at approximately 4:52 p.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene.

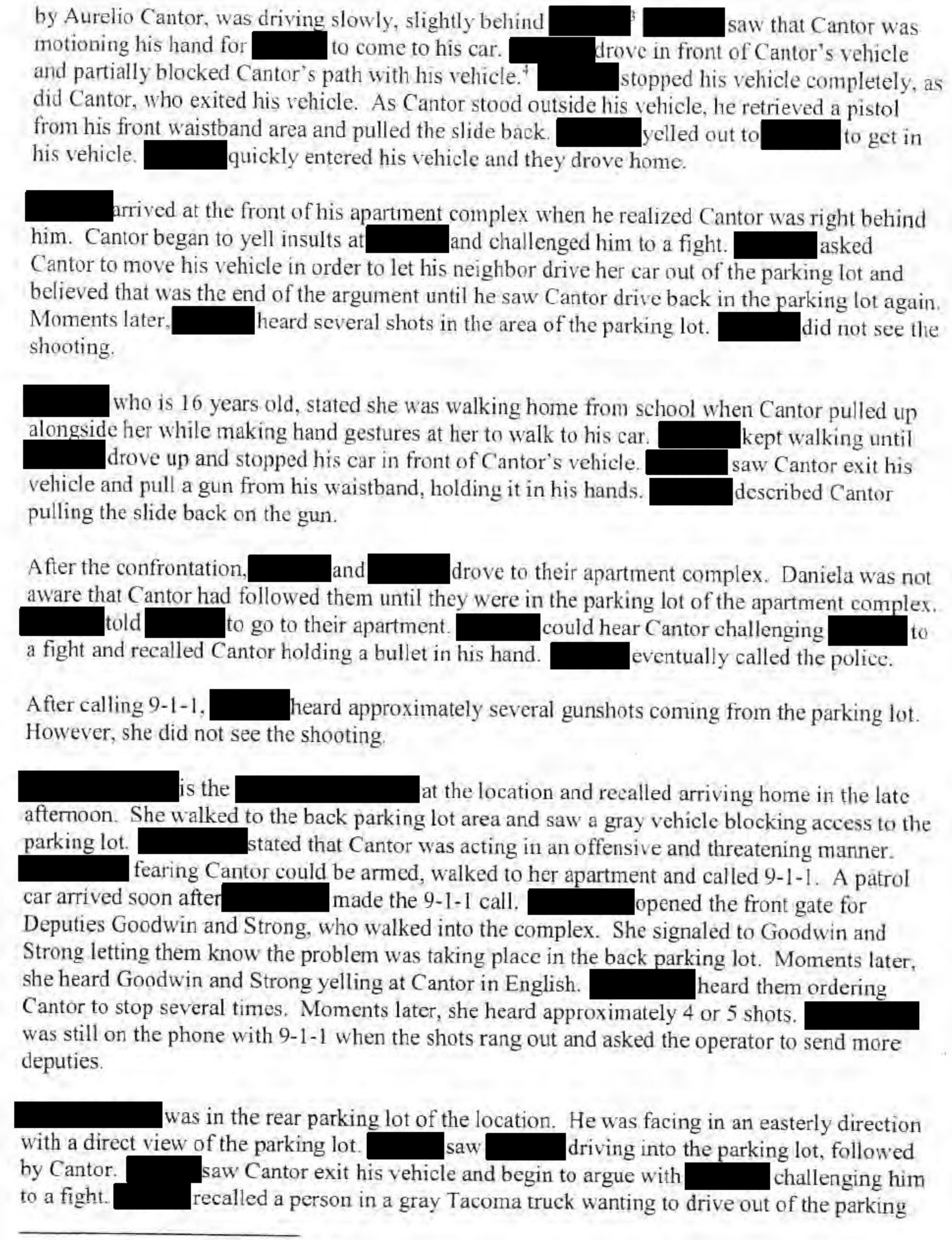
The following analysis is based on reports submitted to our office by LASD Sergeant Ray Lugo and Detective Marcelo Quintero. The reports include photographs, videos, audio-recorded interviews of witnesses, and radio transmissions. The voluntary statements of Deputies Goodwin and Strong were considered in this analysis.

FACTUAL ANALYSIS

On September 28, 2015, at approximately 3:53 p.m., LASD-Compton Station received a call for service at [redacted] South Atlantic Drive, in the City of Compton, regarding a man with a gun.[1] Deputies Goodwin and Strong responded to the call.[2]

Witness [redacted] stated that he was driving home from work on his way to pick up his [redacted] saw [redacted] walking on the sidewalk and saw that a vehicle, driven

[1] [redacted] South Atlantic Drive, is an apartment complex that is situated on the west side of Atlantic Avenue.
[2] Deputies Goodwin and Strong were assigned to the Compton station and were near the call location when the call was received. Deputies Goodwin and Strong were the first deputies to arrive at the scene.


by Aurelio Cantor, was driving slowly, slightly behind [redacted][3] [redacted] saw that Cantor was motioning his hand for [redacted] to come to his car. [redacted] drove in front of Cantor's vehicle and partially blocked Cantor's path with his vehicle.[4] [redacted] stopped his vehicle completely, as did Cantor, who exited his vehicle. As Cantor stood outside his vehicle, he retrieved a pistol from his front waistband area and pulled the slide back. [redacted] yelled out to [redacted] to get in his vehicle. [redacted] quickly entered his vehicle and they drove home.

[redacted] arrived at the front of his apartment complex when he realized Cantor was right behind him. Cantor began to yell insults at [redacted] and challenged him to a fight. [redacted] asked Cantor to move his vehicle in order to let his neighbor drive her car out of the parking lot and believed that was the end of the argument until he saw Cantor drive back in the parking lot again. Moments later, [redacted] heard several shots in the area of the parking lot. [redacted] did not see the shooting.

[redacted] who is 16 years old, stated she was walking home from school when Cantor pulled up alongside her while making hand gestures at her to walk to his car. [redacted] kept walking until [redacted] drove up and stopped his car in front of Cantor's vehicle. [redacted] saw Cantor exit his vehicle and pull a gun from his waistband, holding it in his hands. [redacted] described Cantor pulling the slide back on the gun.

After the confrontation, [redacted] and [redacted] drove to their apartment complex. Daniela was not aware that Cantor had followed them until they were in the parking lot of the apartment complex. [redacted] told [redacted] to go to their apartment. [redacted] could hear Cantor challenging [redacted] to a fight and recalled Cantor holding a bullet in his hand. [redacted] eventually called the police.

After calling 9-1-1, [redacted] heard approximately several gunshots coming from the parking lot. However, she did not see the shooting.

[redacted] is the [redacted] at the location and recalled arriving home in the late afternoon. She walked to the back parking lot area and saw a gray vehicle blocking access to the parking lot. [redacted] stated that Cantor was acting in an offensive and threatening manner. [redacted] fearing Cantor could be armed, walked to her apartment and called 9-1-1. A patrol car arrived soon after [redacted] made the 9-1-1 call. [redacted] opened the front gate for Deputies Goodwin and Strong, who walked into the complex. She signaled to Goodwin and Strong letting them know the problem was taking place in the back parking lot. Moments later, she heard Goodwin and Strong yelling at Cantor in English. [redacted] heard them ordering Cantor to stop several times. Moments later, she heard approximately 4 or 5 shots. [redacted] was still on the phone with 9-1-1 when the shots rang out and asked the operator to send more deputies.

[redacted] was in the rear parking lot of the location. He was facing in an easterly direction with a direct view of the parking lot. [redacted] saw [redacted] driving into the parking lot, followed by Cantor. [redacted] saw Cantor exit his vehicle and begin to argue with [redacted] challenging him to a fight. [redacted] recalled a person in a gray Tacoma truck wanting to drive out of the parking

[3] Cantor was driving a silver Infinity G-35.

[4] [redacted] was driving a black Ford Explorer.

lot but the truck was blocked by Cantor's vehicle. Cantor moved his vehicle and [redacted] believed that was the end of the argument. Cantor then drove back in the parking lot. [redacted] heard the sound of a gun slide being moved as Cantor drove passed him.

[redacted] saw Goodwin and Strong walk up and contact Cantor as he was still seated in the driver's seat of his vehicle. Goodwin and Strong pointed their guns at Cantor, ordered him to raise his hands and not move.[5] Cantor accelerated his vehicle as if he wanted to drive in reverse. [redacted] heard Goodwin and Strong yelling at Cantor not to move. He then saw Cantor's vehicle move forward and Goodwin and Strong fired their guns at him. [redacted] did not know how many shots were fired. [redacted] did not see Cantor with a gun but was certain he heard the sound of a gun slide being moved several times prior to the shooting.

Deputy Goodwin began his shift at [redacted] with his partner, Deputy Strong. Goodwin heard a call for service at [redacted] Atlantic Drive of a man with a gun threatening a resident at the apartment complex. Goodwin and Strong arrived at the location within seconds. Goodwin and Strong exited their patrol vehicle and walked into the parking lot area. As Goodwin and Strong walked to the parking lot, they discussed "less lethal" options and agreed Goodwin would deploy his Taser, if needed. Goodwin also took out his service weapon as the call described a person with a gun.

As Goodwin and Strong walked to the rear parking lot area, they saw a vehicle that matched the description provided in the call for service. The vehicle backed up and stopped immediately in front of them. Goodwin said he and Strong approached Cantor on the driver's side, Strong walking in front of Goodwin. Strong walked up to the driver's side window and yelled out, "Gun!" alerting Goodwin there was a gun in the vehicle. Goodwin ducked down and looked into the vehicle. Goodwin saw a gray semiautomatic handgun laying on the front passenger seat. Goodwin estimated he was standing at the rear driver's side window closer to the door post between the front door and the rear door. With his gun drawn, Goodwin gave several commands to Cantor saying, "Stop, put your hands up." Goodwin heard Cantor's vehicle engine accelerate loudly but the car did not move.

Goodwin and Strong continued to yell commands for Cantor to raise his hands and to stop. Cantor did not comply with their commands and reached over to his right grabbing the gun from the passenger seat, turning toward Strong who was still standing at the driver's window. Goodwin did not see the gun but believed Cantor was raising the gun toward Strong's direction. Goodwin took a step back in fear for his partner's life and his own, and fired two or three shots from his handgun. Goodwin believed his rounds struck the rear window or trunk area of Cantor's vehicle. Cantor put the vehicle in drive and drove forward. Goodwin stepped to his right as Strong took cover near a parked vehicle to his left.

Goodwin maintained visual contact with Cantor who stopped some distance ahead. Cantor remained in the driver's seat and eventually exited the vehicle. Strong fired one more shot at Cantor as he exited the vehicle. Cantor fell back in his vehicle as Goodwin and Strong moved to their right, taking cover against a parked vehicle in the carport. Goodwin believed Cantor was still armed. Strong broadcast that they were involved in a shooting and requested additional

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[5] [redacted] recalled hearing the orders being given in English and Spanish.

units to respond. As Goodwin and Strong waited for additional units to arrive, Goodwin yelled at Cantor, in Spanish, to keep his hands up. Moments later, additional units arrived at the location and took Cantor into custody.

Goodwin was wearing his LASD Class A, short-sleeved uniform which clearly identified him as an LASD deputy and was armed with a department issued Heckler and Koch .45 caliber pistol.

Deputy Strong began his shift at [redacted] with his partner, Deputy Goodwin. Goodwin and Strong responded to a call for service at [redacted] Atlantic Drive. Strong saw several residents coming out of their apartments and pointing to the rear carport area. Goodwin and Strong exited their patrol vehicle and walked into the parking lot area.

Strong saw a female resident coming out of a downstairs apartment saying "there is a guy with a gun in the back." Goodwin and Strong walked around the building. Strong saw Cantor sitting in the driver's seat of a silver Infiniti, parked facing south. Strong walked up to the driver's side window to make contact with Cantor. When he reached the driver's window, Strong could see a large silver handgun on the front passenger seat. Strong alerted Goodwin and pointed his service weapon at Cantor, ordering him to raise his hands in English and Spanish.

Cantor looked at Strong with a startled expression and grabbed the vehicle's steering wheel. Cantor grabbed the turn signal and moved it up and down. Strong believed Cantor was trying to place the car in gear but in a panic grabbed the signal lever instead. Strong could hear the car's engine accelerating loudly. Cantor then reached down and put the car in gear. Strong, with his gun in his hand, yelled at Cantor several times, "hands, hands!" Strong then saw Cantor reach for the handgun on the front seat. Cantor grabbed the gun, raised it and began to turn in Strong's direction. Fearing for his life, Strong fired two shots at Cantor.

Strong heard Goodwin fire his gun at Cantor as well but did not know how many times. Simultaneously, Cantor's vehicle moved forward approximately 45 feet and came to a stop. Strong and Goodwin maintained visual contact of Cantor with their guns drawn. Strong saw the door to Cantor's vehicle open and could see Cantor's feet. Strong yelled for Cantor to stay in his vehicle and to show his hands. Strong could see Cantor exiting his vehicle and could also see the barrel of the gun at Cantor's right side. Cantor was facing east but Strong believed Cantor was in the process of turning toward him with the gun in his hand.

Strong feared Cantor was about to shoot him and Goodwin and fired one more round at Cantor. Strong believed he hit Cantor because he could hear him make a grunting noise and saw him fall back in his vehicle. Strong and Goodwin moved to their right and took cover in a carport area next to a parked vehicle's engine compartment area. Strong immediately broadcast they had been involved in a shooting and requested additional units to their location.

Strong was wearing his LASD Class A uniform, which identified him as an LASD deputy and was armed with a Smith and Wesson model M&P 9mm.

Cantor was given his Miranda rights, which he stated he understood and waived.[6] Cantor stated he did not recall the events the day of the shooting or where he was before the incident. Cantor admitted he had used methamphetamine that day and was pretty high. Cantor also admitted he had methamphetamine on him, in his front pants pocket.[7] Cantor admitted having a gun, but denied ever taking it out. Cantor said the gun was in the car at all times, in the back seat. Cantor denied pointing the gun at Cabrera and also denied taking the gun out in a threatening manner, or working the slide. Cantor believed the gun he had could have been a ".22 or a .45."

Cantor said he was at the apartment complex to confront the "dude" about his [redacted] and to scare him but not kill him. Cantor stated he was "talking to the dude" about hitting his [redacted] when he turned around and was shot. Cantor stated the deputies shot him without saying anything. He stated he was shot first, then reached for the gun, but only to hide it. Cantor stated he threw the gun out of his vehicle after he was shot.[8]

Cantor sustained a single gunshot wound that entered his left arm. The same round was believed to have also entered Cantor's left side, affecting his liver, his lower intestine, and hepatic artery.

Cantor was charged in case TA138374 and convicted of Penal Code section 417(c) (Drawing, exhibiting, or using a firearm or deadly weapon in the presence of a peace officer).[9]

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight…The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

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[6] Cantor is a 37 year old male, weighing 190 pounds and 5'7 in height. Cantor has [redacted] and is a Southsider gang member.

[7] An item containing a net weight of 2.085 grams of powder containing methamphetamine was recovered at the scene. Additionally, a toxicology analysis was conducted and Cantor tested positive for methamphetamine and marijuana.

[8] A 9mm semiautomatic handgun was recovered from the ground under the carport area several feet west of Cantor's vehicle. The handgun was recovered with the slide forward, hammer de-cocked, and the safety on. One live cartridge was in the firing chamber. A seated magazine containing five live cartridges, with the top round in the magazine facing backwards, was inserted in the handgun.

[9] Cantor was sentenced on March 21, 2016, to three years state prison.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

An officer is not constitutionally required to wait until he sets eyes upon a weapon before employing deadly force to protect himself against a fleeing suspect who turns and moves as though to draw a gun. *Thompson v. Hubbard* (2001) 257 F.3d 896, 899. "Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

The evidence examined in this investigation shows that Deputies Goodwin and Strong responded to a call regarding a man with a gun. Goodwin and Strong approached the location on foot, where they found Cantor seated in his vehicle. Strong observed a gun located on the front passenger seat. Goodwin and Strong ordered Cantor to stop and show his hands. Cantor failed to comply with the commands, grabbed the gun and began to point it at Strong. Goodwin and Strong fired at Cantor in fear for their lives and continued to order Cantor to stop and show his hands. Cantor did not comply with the commands and drove his vehicle forward. Cantor then exited his vehicle with the gun in his right hand and, again in fear for his life, and the lives of others, Strong discharged his service weapon at Cantor.

We conclude that Deputies Goodwin and Strong were placed in reasonable fear of death or great bodily injury by Cantor's actions and acted lawfully in self-defense and defense of others when they used deadly force. We are therefore closing our file and will take no further action in this matter.